

REMARKS

Claims 25 to 32, 39 to 41, 43 to 50, 52 to 56, 60, and 62 are pending in this application.<sup>1</sup> Of these, claims 25, 39, 48, 60, and 62 are independent. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, claims 39 to 42, 45, 46, 48 to 51, 54, 55, and 58 to 63 were rejected over U.S. Patent No. 5,823,879 (Goldberg); claims 25 to 32 were rejected over U.S. Patent No. 6,196,920 (Spaur) in view of Goldberg; claims 43, 44, 47, 52, 53, 56 and 57 were rejected over Goldberg in view of U.S. Patent No. 6,199,106 (Shaw); claim 29 was rejected over Spaur and Goldberg in view of Shaw; and claims 26, 30 and 31 were rejected over Spaur and Goldberg in view of U.S. Patent No. 6,036,601 (Heckel). As shown above, Applicants have amended the independent claims to define the invention with greater particularity. In view of these amendments, withdrawal of the art rejections is respectfully requested.

Independent claims 39, 48 and 62 have been amended to recite that causing the additional information to be provided to the user comprises transmitting a second signal indicating the user's interest in receiving the additional information, where the second signal is transmitted in response to the user's interaction with the interactive activity. For example, the specification explains that “[w]hen the user interacts with one of the objects 28 within media 26, the web browser captures any information in the input area 24 and communicates the information to environment 8” (page 5, lines 12 to 15 of the application).

---

<sup>1</sup> The Examiner is urged to independently confirm this recitation of the pending claims.

The applied art is not understood to disclose or to suggest the foregoing features of claim

25. In this regard, Goldberg describes a gaming system that allows a user to request additional content from advertising by, e.g., following hyperlinks and through filling-out questionnaires (see, e.g., columns 4 and 26 of Goldberg). It was said, on pages 3 and 4 of the Office Action (with respect to claim 41) that Goldberg describes “causing said additional information to be provided to the user...by transmitting from the client to the server a second signal....”.

Specifically, column 4, lines 48 to 62; column 25, lines 59 to 67; and column 28, lines 10 to 12 were cited for their alleged disclosure of this features. Column 4 describes obtaining advertising by following hyperlinks . Column 25 describes obtaining a response “(a) by detecting an activation of a hyperlink, (b) by detecting a response to questions presented, and/or (c) by determining the length of time the advertising presentation is displayed or visible.” Column 28 describes enabling a user to access further or related advertisement information.

What Goldberg does not disclose or suggest, in the cited portions or elsewhere, is that a second signal indicating the user’s interest in receiving the additional information is transmitted in response to the user’s interaction with the interactive activity. For at least this reason, claims 39, 48 and 62 are believed to be patentable over Goldberg.

Independent claim 25 has been amended to recite that the input from the client device is received in response to the user’s interaction with the interactive activity, where the input includes, in a single transmission, information relating to the user’s participation in the interactive activity and a request from the user to receive additional information relating to the advertisement. As explained above with respect to claims 39, 48 and 62, Goldberg does not

disclose or suggest that the input to the software modules is received in response to a user's interaction with the interactive activity. Spaur, which was also cited against claim 25, describes a gaming system in which a user may click-on or otherwise select a displayed advertisement, thereby triggering additional advertising to be sent to the user (see, e.g., column 3, lines 41 to 48). However, as was the case with Goldberg, Spaur does not disclose or suggest that input to the software modules is received in response to a user's interaction with the interactive activity. For at least this reason, claim 25 is also believed to be patentable over the art.

Independent claim 60 has been amended to recite simultaneously transmitting to a server the user's request for advertising information and the information related to the user's participation in the interactive activity, where the transmitting is performed in response to the user's interaction with the interactive activity. As explained above, Goldberg is not understood to disclose or to suggest that the user's request for advertising information and the information related to the user's participation in the interactive activity are both transmitted in response to the user's interaction with the interactive activity. Accordingly, claim 60 is believed to be patentable over Goldberg.

Shaw, which was also cited in the Office Action, is not understood to add anything to the disclosures of Goldberg and Spaur that would remedy their foregoing deficiencies vis-à-vis the independent claims.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

Applicants : Mark Hermann, et al.  
Serial No. : 09/599,675  
Filed : June 22, 2000  
Page : 14 of 15

Attorney's Docket No.: 10984-287001

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Applicants : Mark Hermann, et al.  
Serial No. : 09/599,675  
Filed : June 22, 2000  
Page : 15 of 15

Attorney's Docket No.: 10984-287001

Please apply any fees or credits due in this case, which are not already covered by check,  
to Deposit Account 06-1050 referencing Attorney Docket No. 10984-287001.

Respectfully submitted,

Date: May 1, 2006



Paul A. Pysher  
Reg. No. 40,780

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21308717.doc